



DATE: October 15, 2010

TO: Chairman Pringle and Board Members

FROM: Roelof van Ark, Chief Executive Officer

RE: Agenda Item #2 – Selection Criteria to Determine First Line Section to be built with ARRA Funding

Discussion:

In late September 2010 the FRA informed the Authority that it seeks to conclude Grant / Cooperative agreements by 28th January 2010, for the ARRA (and possibly the HSIPR FY10) funding to begin construction of the first segments of the CHST system. Based on this determination it is clear that the Authority needs to make a determination of which section it would choose to apply the ARRA (and HSIPR FY10) funds to, as an agreement with the FRA must be based on a clearly defined Scope of Works, which can only apply to one specific alignment section, as also previously communicated by the FRA. As the ROD/NOD for such selected alignment would not yet be completed by the time the Grant / Cooperative agreement is signed with the FRA, such Agreement would obviously still be conditional on the successful conclusion of the environmental impact studies, the selection of the final alternate route within the selected section and the conclusion of the ROD/NOD for the section by the fall of 2011.

Selection of the appropriate section requires consideration of many factors and most importantly it is about making the best decision, both for the use of the ARRA funds and for the future of the entire project. We herewith submit to you "Selection Criteria" which have been prepared by staff and experts, and which are in draft form. We request the board to comment to these criteria in written form, to the CEO by October 27th. At the next Board Meeting [final date still to be determined] the CEO will present to the Board, the evaluation of all four sections, done according to the final criteria, which will incorporate the Board Member's comments. The Board will then determine the section to which the ARRA (and possibly the HSIPR FY10) funds will be applied.

Throughout the process it should be remembered that the California High Speed Rail system will be the backbone passenger rail system of the state, and needs to connect southern and northern California, including the metropolitan areas of Los Angeles/Anaheim, San Diego, San Francisco, San Jose and Sacramento. This first step in the process, to select and then build the first segment of the line, is only the beginning of a continuous process, which should logically lead to the continued construction of the alignment, until the whole network is interconnected.

Major factors which need to be considered in the selection process include impacts on the project schedule, logical sequencing of the work, mandated testing of high-speed trains, and the maximum impact the investment of present Federal and state dollars can have on the project. The Authority also must consider the specific requirements and guidance provided in ARRA and Proposition 1A (as codified in CA Streets and Highways Code §§2704-2704.21 and Public Utilities Code §§185033, 185035 and 185037). The "Independent Utility" / "Operational Independence" requirement associated with the ARRA respectively the FY2010 HSIPR funding also needs to be met.

To guide the selection process, the Authority staff has developed a guidance manual, as well as selection criteria. This documentation is attached to this staff memorandum and is made up of:

- **Appendix A:** A document “Criteria for Selecting the Corridor/Usable Segment in which to Initiate Construction of the California High-Speed Train Project” which explains the process and various criteria in depth.
- **Appendix B:** A document “Scoring Criteria for Selecting the Corridor/Usable Segment in which to Initiate Construction of the California High-Speed Train Project” being a draft of a possible scoring summary to be used and presented to the Board at the November meeting
- **Appendix C:** Information on each of the 4 sections which have qualified for ARRA funding, showing how the funds, if received, would be applied to those sections. The source of this information is the application made by the Authority for *Federal High-Speed Intercity Passenger Rail Program Application* [HSIPR] FY10 funding and as presented to the Board at the August 5th Board Meeting. These are meant to supply the necessary background information to Members, to assist them in finally determining the final selection.
- **Appendix D:** A sheet showing the Summary Key Data for the four ARRA sections.
- **Appendix E:** Bill AB 3034 for reference.

Recommendation:

That each member of the board provide written comments upon the set of “Selection Criteria” submitted by staff, which will lead to preparation by staff of a final set of “Selection Criteria”, which will allow the CEO to prepare the evaluation of all four ARRA sections, so that this may be presented at the next Board Meeting [final date still to be determined] so that the Board can determine, at that next board meeting, the section to which the ARRA (and possibly the HSIPR FY10) funds will be applied.

Based on the advice of legal counsel, it is essential that the members of the board comply with the following protocol:

1. Each individual board member shall provide his or her written comments, if any, concerning the proposed selection criteria to the Chief Executive Officer by October 27th, 2010.
2. Board members shall not share their comments with anyone else.
3. On a date to be determined by the CEO, but before the next Board Meeting, all comments received from board members shall be published on the Authority’s web site.
4. Following publication of the comments, it is essential that board members refrain from any communications with one another concerning the comments or the proposed selection criteria. ***The proper time for any discussion, deliberation, or action is at the noticed public meeting*** that will be held at a date and time yet to be determined.

Attachments:

See above list of Attachments